

A.G. Contract No.: KR05-0775TRN
ECS File No.: JPA 05-011
Project No.:
Section: State Route (SR) 87
Project: Northbound Turn Lanes
TRACS No.: HX175 01C
Budget Source Item No.: 71206

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PAYSON

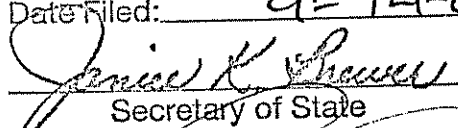
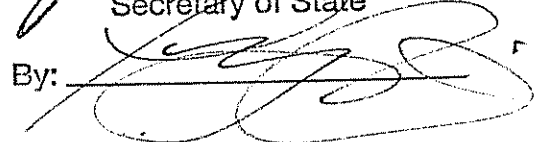
THIS AGREEMENT is entered into this date September 14, 2005, pursuant to Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF PAYSON, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated the undersigned the authority to execute this Agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the Town.

3. The Town has a project to construct a northbound right-turn lane on State Route (SR) 87 at Forest Drive, Milepost (MP) 253.2, which requires the State's existing southeast signal pole to be removed and relocated, hereinafter referred to as the "Project", at an estimated amount not to exceed \$8,000.00. The Town will be responsible for the design and construction and the State will maintain the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 27719
Filed with the Secretary of State
Date Filed: 9-14-05

Secretary of State
By: 

II. SCOPE OF WORK

1. The Town shall:

a. Prepare and provide design plans, specifications and other such documents and services required for construction bidding and construction of the Project, and submit same to the State for comments as appropriate and incorporate State's review comments into final design.

b. Advertise for bids and award one or more construction contract(s) for the Project. Administer contracts for the Project and make all payments to the contractor(s). Be responsible for contractor claims for additional compensation caused by Project delays attributable to the Town.

c. Obtain an "Encroachment Permit" through the Prescott District Permit Office, for the construction of the Project.

d. Conduct all construction work in a manner to minimize traffic congestion and interference with through traffic. All traffic control will meet the requirements of the Arizona Department of Transportation's Uniform Traffic Control Manual.

e. Upon completion, approval and acceptance of the Project and on behalf of the parties herein, provide electrical energy to operate the signal, at the Town's expense.

f. Be responsible for the entire cost of the NB right turn lane with the exception of the cost of relocating the signal pole on the southeast corner. The Town shall include the pole relocation in its contract and provide payment to the contractor for relocating the pole, but shall be reimbursed \$8,000.00 by the State in accordance with Section II.2.e. of this Agreement.

g. Upon execution of this Agreement, invoice the State for the cost to relocate the signal pole, in an amount not to exceed \$8,000.00.

2. The State shall:

a. Review the design documents required for construction of the Project, and provide comments to the Town as appropriate.

b. Require the Town to apply and receive approval for an "Encroachment Permit" for construction of the Project.

c. Upon completion of the Project, coordinate final inspection with the Town for approval and acceptance of the Project.

d. Upon completion and acceptance of the Project, be responsible to maintain the Traffic Signals.

e. Upon execution of this Agreement and within thirty-days (30) upon receipt and approval of an invoice from the Town, remit to the Town an amount not to exceed \$8,000.00 for the State's share of the Project cost.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion and reimbursements; provided herein. However, the Town shall provide any provisions for maintenance of the Project outside of the State's right-of-way. This Agreement may be cancelled at any time prior to the award of a Project construction contract, upon thirty-days (30) written notice to either party. It is understood and agreed that, in the event the Town cancels this Agreement, the State shall in no way be obligated to maintain the Project.

2. The State assumes no financial obligation or liability under this Agreement for the design and construction of the Traffic Signal.

3. The parties to this Agreement agree that the State of Arizona shall be indemnified and held harmless by the City for the vicarious liability of the State as a result of entering into this Agreement. Each party to this Agreement is responsible for its own negligence.

4. This Agreement shall become effective upon filing with the Secretary of State.

5. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

6. The provisions of Arizona Revised Statutes § 35-214 are applicable to this Agreement.

7. In the event of any controversy, which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

8. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 121-1-12213) and all applicable Federal regulations under the Act including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona, and incorporated herein by reference regarding "Non-Discrimination".

9. Non-Availability of Funds: Every payment obligation of the State under this contract is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this contract, this contract may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

10. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue – Mail Drop 616E
Phoenix, AZ 85007
(602) 712-7525

The Town of Payson
Attn: Public Works Engineer
303 North Beeline Highway
Payson, Arizona 85541
(928) 474-5242

11. Pursuant to Arizona Revised Statutes § 11-952, (D) attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

TOWN OF PAYSON

STATE OF ARIZONA

Department of Transportation

By Barbara G. Brewer
BARBARA G. BREWER
Mayor

By Michael P. Manthey
MICHAEL P. MANTHEY, P.E.
State Traffic Engineer

ATTEST:

By Silvia Smith
SILVIA SMITH
Clerk

G:05-011-Payson-SR 87 Turnlanes-DRAFT-slc

APPROVAL OF THE TOWN OF PAYSON

I have reviewed the above referenced intergovernmental Agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF PAYSON, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the TOWN under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 10th day of August, 2005.

[Signature]
Town Attorney

by Tim Wright Deputy
Town Attorney

RESOLUTION NO. 2088

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, RELATING TO CONSTRUCTION OF A NORTHBOUND RIGHT TURN LANE AT STATE ROUTE 87 AND FOREST DRIVE.

WHEREAS, to accommodate new commercial development at the intersection of State Route 87 and Forest Drive, the Arizona Department of Transportation required construction of a northbound right turn lane; and

WHEREAS, said right turn lane has been constructed; and

WHEREAS, to accommodate such right turn lane, a state-owned traffic signal pole was relocated; and

WHEREAS, the Arizona Department of Transportation wishes to reimburse the Town for the costs of relocation of the signal pole as part of the project to construct a northbound right turn lane; and

WHEREAS, for such purpose, an Intergovernmental Agreement between the State of Arizona and the Town of Payson has been drafted,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Intergovernmental Agreement between the State of Arizona and the Town of Payson, attached hereto marked Exhibit "A" and made a part hereof by this reference as though set forth in full at this point, be and is hereby approved in substantially the form attached.

Section 2. That Barbara G. Brewer, Mayor of the Town of Payson be and is hereby authorized to execute such Intergovernmental Agreement in substantially the form attached as Exhibit "A"

Section 3. That the Town of Payson be and is hereby authorized to take such other and further actions as may be necessary or appropriate to carrying out the purposes of this Resolution No. 2088 and the Intergovernmental Agreement attached hereto as Exhibit "A".

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 28th day of July, 2005, by the following vote:

Prepared by Town of Payson Legal Department

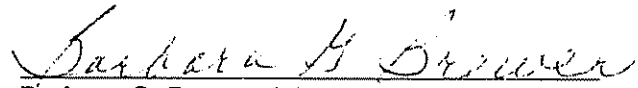
SIS drs July 20, 2005 (12:19PM)

C:\MyFiles\Resolutions\2088 Approving IGA w-ADOT re SR87 & Forest Rd wpd

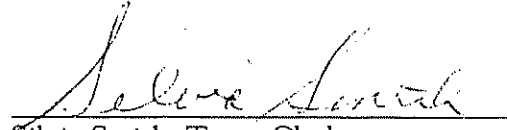
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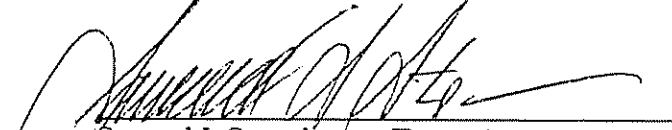
AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0


Barbara G. Brewer, Mayor

ATTEST:


Silvia Smith, Town Clerk

APPROVED AS TO FORM:


Samuel I. Streichman, Town Attorney

**COMMON COUNCIL OF THE TOWN OF PAYSON
MINUTES OF THE REGULAR MEETING
July 28, 2005**

CALL TO ORDER

INVOCATION by Pastor Joe Hittle, Calvary Chapel

The invocation was given by Pastor Joe Hittle, Calvary Chapel.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Barbara Brewer, Vice Mayor Judy Buettner, Council Member George Barriger, Council Member Tim Fruth, Council Member Robert Henley, Council Member Dick Reese, Council Member John Wilson

STAFF PRESENT: Fred Carpenter, Town Manager, Sam Streichman, Town Attorney, Glenn Smith, Chief Fiscal Officer, Colin Walker, Public Works Director, LaRon Garrett, Public Works Engineer, Gordon Gartner, Police Chief, Terry Morris, Library Director

OTHERS PRESENT: Gaye Stidham, Deputy Town Clerk; Tracie Bailey, Deputy Town Clerk; Diane Stoyer, Legal Department Office Manager; Ray Erlandsen, Zoning Administrator; Carol McCauley, Main Street Manager; Guy Austin, Battalion Chief/CEP; Jason Tutay, Firefighter/EMT; Herine Lubetz, Firefighter/EMT; Shawn DeWitte, Dispatcher, Zonnie River, Dispatcher; Deidre Yarbrough, Dispatcher, Charles Belk, Street Maintenance Crew; and Robert Reilly, Street Maintenance Crew

A. PUBLIC COMMENTS (SPEAKER'S REQUEST FORM SUBMITTED)

There were no public comments

B. CONSENT AGENDA

Items listed on the agenda with an asterisk are considered to be routine in nature and will be enacted by one motion.

Clmn Barriger requested that Item I 3 be removed from the Consent Agenda

Motion: Approve all Items listed on the Consent Agenda except Item I 3

Moved by Vice Mayor Judy Buettner, seconded by Council Member John Wilson

Vote: Motion carried by unanimous rollcall vote

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth, Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER

Fred Carpenter, Town Manager, announced that next week's TOP Talk would air at 2:00 p.m. on August 4, 2005. Features would include the August Doin's Rodeo, this fall's Parks & Recreation schedule and the Northern Gila County Fair. Inside Payson would return September 1, 2005.

The Airport Road improvement project bids will open August 11, 2005. FAA will then review results and decide if sufficient funds are available. A bid award could be scheduled for September 15, 2005.

The Wade Lane/Summit Street/Meadow Street sidewalk project is expected to be complete except for cleanup by July, 29, 2005. This would increase safety going to and from Rim Country Middle School and Julia Randall Elementary School.

AUG 1 1 2005 E.I.*

Mr. Carpenter reminded the public to watch for the flashing lights as you approach Rim Country Middle School and the three elementary schools. Lights indicate that school is in session and the speed limit is 15 mph.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

Cllmn. Wilson publically wished his wife a happy birthday

Cllmn. Fruth announced the Bowl a thon for kids. All of the money raised will go directly to Big Brothers and Big Sisters. Cllmn. Fruth stated that his father's surgery had gone well and he is recovering at Banner Health.

Vice-Mayor Buettner announced that the Library used bookstore would have a sale in August on all western books.

Vice-Mayor Buettner and Terry Morris, Library Director, presented Pat Helmick, who recently retired from the Town of Payson Public Library, with a retirement plaque.

Mayor Brewer presented Marcy Rogers, President and Director of Payson Community Kids, with a Special Recognition from the Office of the Governor.

Bill Bolin, Arizona Department of Commerce Special Projects Manager, presented Judy Baker, Mogollon Health Alliance, with a Job Training Grant for \$4,750.

Mayor Brewer presented Gaye Stidham, Deputy Town Clerk, with a plaque accepting her into the IIMC Master Municipal Clerk Academy.

Cllmn. Fruth read into the record a proclamation declaring July 30, 2005, as Philippines Open Golf Classic Day. Dennis Hansen was present to accept the proclamation.

LaRon Garrett, Assistant Public Works Director/Town Engineer introduced new Town of Payson Street Department employees, Charles Belk and Robert Reilly.

Guy Austin, Battalion Chief/CEP, introduced new Town of Payson Fire Department employees, Jason Tutay and Jerome Lubetz.

Gordon Gartner, Police Chief, introduced new Town of Payson Police Department dispatchers, Shawn DeWitte, Kevin Krogulski, Zonnie River, and Deirdre Yarbrough.

E. MINUTES

Council Meeting Minutes:

06-28-05 Special Meeting Pages 1-2

07-07-05 Regular Meeting Pages 1-7 (plus attachment)

07-14-05 Special Meeting Pages 12131-12132

CONSENT APPROVED

BOARDS/COMMISSIONS MEETING MINUTES (Note: Minutes of various boards/commissions/committees are for Council information only and may or may not have been approved by the respective board/commission)

Parks and Recreation Advisory Board

04-13-05 Regular Meeting Page 185 (3 of 3)

CONSENT

F. HEARINGS AND APPEALS

Mayor Brewer opened the Public Hearing concerning an application for a Special Event Liquor License filed by Conrad M. Okerwall, agent, for the Oktoberfest Church Event (St. Paul's Episcopal Church), to be held on Saturday, September 30, 2005, 5:30 p.m. to 9:00 p.m., at 1000 Easy Street, Payson, Arizona.

There were no public comments. The Mayor closed the Public Hearing.

Motion: Approve the application for a Special Event Liquor License filed by Conrad M. Okerwall, agent, for the Oktoberfest Church Event (St. Paul's Episcopal Church), to be held on Saturday, September 30, 2005, 5:30 p.m. to 9:00 p.m., at 1000 Easy Street, Payson, Arizona.

Moved by Council Member Tim Fruth, seconded by Council Member John Wilson

Vote: Motion carried by unanimous rollcall vote

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson

Mayor Brewer opened the Public Hearing concerning Application A-09-05 filed by the Town of Payson Public Works Engineer, LaRon Garrett, a request to abandon an existing roadway and utility easement crossing the west side of the subject property, currently addressed 418 N Briarwood Road

There were no public comments. The Mayor closed the Public Hearing.

Motion: Approve Application A-09-05 filed by the Town of Payson Public Works Engineer, LaRon Garrett, a request to abandon an existing roadway and utility easement crossing the west side of the subject property, currently addressed 418 N Briarwood Road

Moved by Vice Mayor Judy Buettner, seconded by Council Member Dick Reese

Vote: Motion carried by unanimous rollcall vote

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson

G. RESOLUTIONS AND ORDINANCES

Mayor Brewer opened discussion/possible action concerning Resolution No 2086, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONSULTANT AGREEMENT WITH NFPD, INC , FOR SERVICES TO THE TOWN RELATED TO DEVELOPMENT OF THE TOWN MULTI-EVENT CENTER

Dave Fackler, NFPD, Inc , explained that the fees for services to the Town relating to development of the Town Multi-Event Center were not paid by the Town.

Motion. Approve Resolution No 2086, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONSULTANT AGREEMENT WITH NFPD, INC , FOR SERVICES TO THE TOWN RELATED TO DEVELOPMENT OF THE TOWN MULTI-EVENT CENTER

Moved by Council Member Robert Henley, seconded by Council Member Dick Reese

Vote: Motion carried by unanimous rollcall vote

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson

Mayor Brewer opened the Public Hearing, discussion/possible action concerning Resolution No 2087, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN INCREASE IN WATER FEES AND SERVICE CHARGES

There were no public comments. Mayor Brewer closed the Public Hearing.

Motion. Approve Resolution No 2087, captioned as follows. A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN INCREASE IN WATER FEES AND SERVICE CHARGES

Moved by Council Member Dick Reese, seconded by Vice Mayor Judy Buettner

Vote: Motion carried by unanimous rollcall vote

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson

Council approved, on the Consent Agenda, Resolution No 2088, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, RELATING TO CONSTRUCTION OF A NORTHBOUND RIGHT TURN LANE AT STATE ROUTE 87 AND FOREST DRIVE

CONSENT APPROVED

Mayor Brewer opened discussion/possible action concerning Resolution No 2089, captioned as follows. RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AWARDED THE CONSTRUCTION CONTRACT FOR THE WESTERLY DRIVE IMPROVEMENT DISTRICT PHASE 1 AND APPROVING ASSESSMENT DIAGRAM FOR SUCH DISTRICT

Motion: Approve Resolution No. 2089, captioned as follows. RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AWARDED THE CONSTRUCTION CONTRACT FOR THE WESTERLY DRIVE IMPROVEMENT DISTRICT PHASE 1 AND APPROVING ASSESSMENT DIAGRAM FOR SUCH DISTRICT

Moved by Council Member Robert Henley, seconded by Vice Mayor Judy Buettner

Harlan Green, Attorney, representing Mr. and Mrs. Pierce, felt this was a bad deal for the Pierces because the Pierces, who live on Aero Drive, were on vacation when the district was established and missed some deadlines for filing against it. Mr. Green believed the Town should look at the fairness of the boundaries when creating an improvement district. Mr. Green asked the Town to pay \$30,000 of the \$41,898 the Pierces were being asked to pay.

Following extensive discussion

Motion: Approve to table Resolution No. 2089, captioned as follows. RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AWARDED THE CONSTRUCTION CONTRACT FOR THE WESTERLY DRIVE IMPROVEMENT DISTRICT PHASE 1 AND APPROVING ASSESSMENT DIAGRAM FOR SUCH DISTRICT

Moved by Council Member Tim Fruth, seconded by Council Member Dick Reese

Vote: Motion carried 6-1.

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese

No: Council Member John Wilson

Mayor Brewer recessed the meeting at approximately 7:06 p.m. The meeting reconvened at approximately 7:16 p.m.

Resolution No. 2077, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. TWO (2) TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE TOWN OF PAYSON FOR CONTRACT NO. KR030-0388TRN, ARIZONA DEPARTMENT OF TRANSPORTATION FILE NUMBER JPA 02-202 REGARDING THE HIGHWAY 87 AND HIGHWAY 260 RIGHT OF WAY TRANSFER

Motion: Approve Mayor Brewer opened discussion/possible action concerning Resolution No. 2077, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. TWO (2) TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE TOWN OF PAYSON FOR CONTRACT NO. KR030-0388TRN, ARIZONA DEPARTMENT OF TRANSPORTATION FILE NUMBER JPA 02-202 REGARDING THE HIGHWAY 87 AND HIGHWAY 260 RIGHT OF WAY TRANSFER.

Moved by Mayor Barbara Brewer, no second required

Vote: Motion carried by unanimous rollcall vote

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson

H. UNFINISHED BUSINESS

Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve the public portion of the subdivision construction of the Wildflower Ridge Subdivision, subject to the developer's two-year warranty of public improvements and to accept the public subdivision improvements for Town maintenance under such warranty.

CONSENT APPROVED

Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve the public portion of the subdivision construction of the Rim Club Cabins, subject to the developer's two-year warranty of public improvements and to accept the public subdivision improvements for Town maintenance under such warranty.

CONSENT APPROVED

Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve the subdivision construction of the Cedar Ridge Phase 2 – Construction Phase 2 Subdivision, including the public traffic control devices, subject to the developer's two-year warranty of public improvements and to accept the public subdivision improvements for Town maintenance under such warranty.

CONSENT APPROVED

Council Decision Request filed by Laron G. Garrett, Public Works Engineer, to request that the Arizona Department of Transportation reconsider their decision concerning the Tyler Parkway roundabout to allow the installation of a statue of an elk in the roundabout.

Motion: Approve Council Decision Request filed by Laron G. Garrett, Public Works Engineer, to request that the Arizona Department of Transportation reconsider their decision concerning the Tyler Parkway roundabout to allow the installation of a statue of an elk in the roundabout.

Moved by Council Member Tim Fruth, seconded by Council Member Dick Reese.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson.

Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve spending \$31,000 from the Council Contingency Fund to relocate landscape boulders to be included in the roundabout landscaping and direct staff to issue a Call for Bids for this work.

OR

To direct staff to continue to assist the citizen group in completing the roundabout landscaping using privately donated funds.

Motion: Approve To direct staff to continue to assist the citizen group in completing the roundabout landscaping using privately donated funds.

Moved by Council Member John Wilson, seconded by Council Member George Barriger.

Jeannie Langham stated that she had called ADOT to find out what the criteria was for the roundabout landscaping and was told there was no criteria. Later Mrs. Langham called about the elk and was told there was a book that had to be gone through. The landscaping was to be done completely with donated funds. Mrs. Langham stated they were short \$31,000 and were asking the Town to donate that amount of money.

Noble Collins believed many people were interested in donating services and time to keep raising money for the roundabout landscaping. Mr. Noble asked the Council to urge ADOT to reconsider the landscaping.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson.

Council Decision Request filed by Buzz Walker, Public Works Director, to approve the Water Department 2005-06 Water Fixture Retrofit Program.

Motion: Approve the Council Decision Request filed by Buzz Walker, Public Works Director, to approve the Water Department 2005-06 Water Fixture Retrofit Program.

Moved by Council Member Robert Henley, seconded by Council Member Dick Reese.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson.

I. NEW BUSINESS

Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve the deletion of the requirement for the developer of the Mountain View Manor Unit One Subdivision to provide horse shoe pits, picnic tables and an outdoor grill at said development.

***CONSENT* APPROVED**

Council approved, on the Consent Agenda, a Council Decision Request filed by Robert Gould, Community Development Director, to approve the Preliminary Plat for The Cove at Sawmill Crossing Subdivision as submitted, with the three (3) conditions as recommended by the Planning & Zoning Commission.

***CONSENT* APPROVED**

Council Decision Request filed by Robert Gould, Community Development Director, to approve the Preliminary Plat for the East Gateway Subdivision as submitted, with the six (6) conditions as recommended by the Planning &

Zoning Commission

Climn Barriger had pulled this Item from the Consent Agenda because of concerns about traffic congestion in that area.

Following extensive discussion Ray Erlandsen, Zoning Administrator, explained that this had been approved by the Planning and Zoning Commission and that many of the issues were resolved at that meeting.

Motion: Approve the Council Decision Request filed by Robert Gould, Community Development Director, to approve the Preliminary Plat for the East Gateway Subdivision as submitted, with the six (6) conditions as recommended by the Planning & Zoning Commission.

Moved by Council Member John Wilson, seconded by Council Member Tim Fruth.

Vote: Motion carried 4-2.

Yes: Mayor Barbara Brewer; Council Member Tim Fruth, Council Member Robert Henley; Council Member John Wilson.

No: Council Member George Barriger; Council Member Dick Reese.

Abstain: Vice Mayor Judy Buettner.

Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to restrict through truck traffic on Tyler Parkway to vehicles under 26,000 GVW, direct staff to install the appropriate signage for this restriction, and authorize the Public Works Department, in conjunction with the Police Department, to waive this restriction for brief periods of time if warranted for safety reasons.

OR

To remove the restriction of "No Through Trucks" on Tyler Parkway.

Mike Vogel stated that he had talked to all Council Members about through trucks on Tyler Parkway and had presented them with his research. Mr. Vogel believed that through trucks have been an ongoing problem on Tyler Parkway.

Motion. Approve the Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to restrict through truck traffic on Tyler Parkway to vehicles under 26,000 GVW, direct staff to install the appropriate signage for this restriction, and authorize the Public Works Department, in conjunction with the Police Department, to waive this restriction for brief periods of time if warranted for safety reasons.

Moved by Council Member Dick Reese, seconded by Vice Mayor Judy Buettner.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson.

Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to award the 2005 Pavement Maintenance Slurry Seal Project to Southwest Slurry, Inc., for \$382,008.28, and authorize the Mayor to sign all necessary contract documents.

Motion. Approve the Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to award the 2005 Pavement Maintenance Slurry Seal Project to Southwest Slurry, Inc., for \$382,008.28, and authorize the Mayor to sign all necessary contract documents.

Moved by Council Member Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Vice Mayor Judy Buettner; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson.

Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to request that the Arizona Department of Transportation ADOT direct their consultant to prepare a preliminary investigation and cost estimate to construct a roundabout at the intersection of Highway 87 and Airport Road/Airline Lane and to update the Intergovernmental Agreement accordingly.

John Zilisch supported putting in a roundabout at the intersection of Highway 87 and Airport Road/Airline Lane.

Motion. Approve the Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to request that the Arizona Department of Transportation ADOT direct their consultant to prepare a preliminary investigation and cost estimate to construct a roundabout at the intersection of Highway 87 and Airport Road/Airline Lane and to

update the Intergovernmental Agreement accordingly

Moved by Council Member Robert Henley, seconded by Council Member George Barriger

Following considerable discussion

Vote. Motion carried 5-2

Yes. Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley, Council Member Dick Reese; Council Member John Wilson

No: Mayor Barbara Brewer; Vice Mayor Judy Buettner

J. CLAIMS

Council approved, on the Consent Agenda, a list of Checks paid from 6/30/05 through 7/19/05, Check Nos 32871 through 33096, except Check No. 32929, and authorization to file the checks for audit.

CONSENT APPROVED

Council approved, on the Consent Agenda, check No. 32929 paid 7/15/05 and authorization to file the check or audit (Note: due to a perceived and/or conflict of interest, Clmn. Henley was considered to have abstained from voting on this item)

CONSENT APPROVED

K. MISCELLANEOUS

There were no items


L. PUBLIC COMMENTS

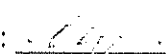
There were no public comments

ADJOURNED

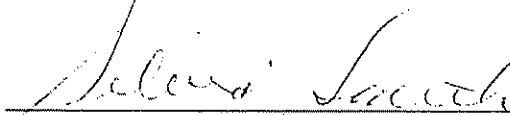
Mayor Brewer adjourned the meeting at approximately 8.58 p m

Approved:


Barbara G. Brewer, Mayor

Date:  7.28.05

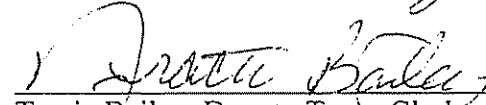
ATTEST:


Silvia Smith, Town Clerk

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Payson held on this day the 28 of July, 2005. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 12 day of August, 2005.



Tracie Bailey, Deputy Town Clerk



Terry Goddard
Attorney General

Office of the Attorney General
State of Arizona

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602 542 8855

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR05-0775TRN (**JPA 05-011**), an Agreement between public agencies, i.e., The State of Arizona and The Town of Payson, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: September 7, 2005

TERRY GODDARD
Attorney General

A handwritten signature in cursive script that reads "Susan Davis".

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:923270
Attachment